



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

BS

FILE:

EAC 03 020 52708

Office: VERMONT SERVICE CENTER

Date: DEC 14 2005

IN RE:

Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann", with a horizontal line extending to the right.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The record contains Form G-28, Notice of Entry of Appearance as Attorney or Representative, indicating that the petitioner is represented by counsel, who shall receive a copy of this decision. Nevertheless, there is nothing in the record to indicate that counsel participated in the preparation or submission of the appeal.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On the Form I-290B Notice of Appeal, filed on February 22, 2005, the petitioner indicated that he would submit a brief and/or further evidence within thirty days. To date, over nine months later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision. The petitioner offers no statement on appeal, beyond the claim that an additional submission is forthcoming. Thus, the petitioner has offered no basis for a substantive appeal.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.